IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

Bail Appl..No. 7754 of 2006()

AGAINST THE ORDER IN BA.6978/2006
CRIME NO.530/06 OF KASARGOD POLICE STATION.

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: PETITIONER/9TH ACCUSED:

KUNHI KELU NAIR, AGED 54 YEARS,
S/O.LATE K. KRISHNAN NAIR, KARIPODI HOUSE,
KUNNARA, P.O.THEKKIL, THEKKIL VILLAGE,
KASARAGOD DISTRICT,

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKUALM REPRESENTING S.H.O. KASARAGOD
POLICE STATION.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7754 OF 2006

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DATED THIS THE 3rd DAY OF JANUARY, 2007

O R D E R

Petitioner who is the 9th accused in Crime No.530/06 of Kasargod Police Station for offences punishable under sections 324, 377 and 506(i) read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application stating, inter alia, that in the 164 statement recorded from one of the nine victims of the Juvenile Home, there is a specific mention of the petitioner. It is too early to accept the petitioner's contention that he has been falsely implicated in the case. Similarly, the grant of anticipatory bail to the 7th accused who was the Welfare Officer of the Juvenile Home considering his unblemished and meritorious past service record may not be a ground to grant anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn